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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,729	12/21/2001	Mark Lin	LINM3008/EM	5146
23364	7590	10/12/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				SURYAWANSHI, SURESH
ART UNIT		PAPER NUMBER		
2115				

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/023,729	LIN, MARK
Examiner	Art Unit	
Suresh K Suryawanshi	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 December 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-11 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 21 December 2001 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. Claims 1-11 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakai et al (US Patent no 5,473,775).

4. As per claim 1, Sakai et al teach a basic input/output system updating method comprising the steps of:

dividing a memory in an electronic device into a system program area and a boot program area [Fig. 2; col. 2, lines 2-6; col. 4, lines 43-63; the Flash BIOS ROM is divided into the boot block 172 and the main block 171];

storing a basic input/out system (BIOS) program in the said system program area such that when a microprocessor of the said electronic device reads the said program, the said microprocessor executes a system initialization sequence of the said electronic device [Fig. 2; col. 2, lines 2-6, 25-29; col. 56-59; the BIOS program is stored into the main block 171];

storing an initialization sequence into said boot program area, while the said system program area be destroyed and the BIOS program is lost, a switch is able to be switched to an ON position to connect the said microprocessor to the said boot program area and thereby enables the reading of the said initialization sequence in the said boot program area [Fig. 2; col. 4, lines 43-53; the boot block 172 stores program for executing minimum functions and initialization routines for system control; col. 6, lines 48-50; col. 8, lines 46-51; upon power on switch, the system operates according to program stored in the boot block 172].

5. As per claim 2, Sakai et al teach that the said microprocessor, during the said initialization sequence, activates the hard disk drive connected to the said electronic device, reads the said BIOS program stored in the said hard disk drive, and records the said BIOS into the said system program area [col. 4, lines 43-53; col. 10, lines 1-11; col. 12, lines 40-47].

6. As per claim 3, Sakai et al teach that the said microprocessor, during the said initialization sequence, activates an integrated drive electronics (IDE) interface of the said electronic device, reads a BIOS program stored in the said IDE-interface connected to the said hard disk drive, and records the said BIOS read from the said IDE-interface into the said system program area [col. 3, lines 61-66; col. 4, lines 43-53; col. 10, lines 1-11; col. 12, lines 40-47].

7. As per claims 5 and 9-11, Sakai et al teach that the said electronic device is a notebook computer [col. 3, lines 31-34; a portable computer].

8. As per claim 6, Sakai et al teach that the said memory is a flash read-only memory (ROM) [col. 1, lines 53-55; col. 2, lines 3-6; col. 3, lines 48-50].

9. As per claim 7, Sakai et al teach that the said switch is a manually operated shunting component [inherent to the system as a switch is used to turn on/off the system power].

10. As per claim 8, Sakai et al teach that the power supply of the said electronic device is switched on [col. 6, lines 48-50; the power is turned on], the said microprocessor issues an address signal via a decoder which is sent after decoding to the said system program area and the said boot program area , thereby enabling the said microprocessor to respectively assign the starting position of the said system program area and the said boot program area [col. 7, line 15 – col. 8, line 58].

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai et al (US Patent no 5,473,775) in view of Daftari (US Patent no 5,574, 943).

13. As per claim 4, Sakai et al disclose the invention substantially. Sakai et al do not disclose expressly about downloading a BIOS program over the LAN. But, Sakai et al point out towards other possible way to receive a BIOS program [col. 12, lines 55-58]. However, Daftari clearly discloses about downloading a BIOS over the LAN [col. 5, lines 43-47]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed for updating BIOS program in a flash. Moreover, a system will definitely be benefited with the facility of downloading a BIOS program over the LAN as the system (workstation) do not require to have a local hard drive or in case of a corrupted/failed hard drive, the system will still be able to update the BIOS.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990 (starting 10/18/04, please use 571-272-3668). The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717 (starting 10/18/04, please use 571-272-3667). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sk

September 29, 2004



THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100